

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY; and
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 1:05-CV-11148-PBS

**PLAINTIFFS' MOTION FOR A DETERMINATION OF
CONTROLLING STATE LAW**

The Complaint in this case involves two defendants that are California corporations. The conspiracy and scheme outlined in the Complaint occurred in California. California courts, in these circumstances, have ruled that the State has a strong interest in applying its consumer protection laws on a nationwide basis.

The Court “deferred ruling on the controlling state law until the class certification stage.” Order dated December 1, 2005, Dkt. No. 27.

Accordingly, Plaintiffs now move for a determination of the applicable State law.

DATED: July 17, 2006

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on July 17, 2006.

/s/ Steve W. Berman

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